

benefit of those interested, it shall be sold under the order of the court, and the proceeds, after deducting the expenses of the sale allowed by the court, must be paid into the state treasury. When the payment is made, the agent must take from the treasurer duplicate receipts, one of which he must file in the office of the state auditor and the other in the county court; provided, however, that if such unclaimed share or shares in any estate heretofore or hereafter pending in such county court, shall consist exclusively of money, in that event it shall be unnecessary to appoint any agent for the person or persons entitled to such share or shares or to order any sale thereof, but the administrator, executor, or other representative of such estate, may, if such money has remained in his hands unclaimed for one year, pay such money into the state treasury in the same manner as hereinbefore provided, and the receipt of the state treasurer shall entitle such administrator, executor, or other representative of such estate to his final discharge, so far as such share or shares are concerned.

§ 2. All acts or parts of acts in conflict with this act are hereby expressly repealed.

§ 3. Whereas, an emergency exists in this that there is no method provided in the laws of this state for the disposition of unclaimed shares in estate, consisting of money only, therefore this act shall take effect and be in force immediately after its passage and approval.

Approved February 24, 1911.

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## PROBATION

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### CHAPTER 225.

[S. B. No. 77—Jacobsen.]

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#### PROVIDING FOR BOARD OF EXPERTS FOR PAROLE.

AN ACT to Amend and Re-Enact Section 3 of Chapter 175 of the Laws of North Dakota for 1909. Being an Act to Provide Indeterminate Sentences of Persons Convicted of Certain Crimes, Providing for a Board of Experts Empowered to Prescribe Suitable Rules of Conduct and Treatment and to Determine How and When a Person Sentenced Under This Act shall be Paroled or Released.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 3, chapter 175 of the laws of the state of North Dakota for 1909 is hereby amended and re-enacted to read as follows:

§ 3. DUTIES OF FIELD OFFICERS.] It shall be the duty of the officer who is or may hereafter be provided by law to look after the welfare of persons whose sentences have been suspended or who have been paroled, to supervise, care for and account for all persons paroled according to the law of this state; to keep a complete record of paroled persons and to report to the warden of the state penitentiary from time to time all matters pertaining to the employment, conduct and whereabouts of each person under parole from the penitentiary, and in addition to render a full and complete report at the end of each month of all persons paroled from the penitentiary. It shall also be his duty to apprehend and return to the penitentiary all persons that have violated their paroles. Further it shall be the duty of the field officer to devote all of his time to the discharge of his duties as field officer, and such other duties as may be assigned to him in connection with the state penitentiary and the state penitentiary twine plant and other industries maintained by the state at the North Dakota state penitentiary, and that he shall at all times be subject to the order of the warden of the state penitentiary, and he shall make reports direct to the warden on all matters pertaining to his duties as field officer and other duties to which he may be assigned.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] An emergency exists from reason of the fact that a bill has been introduced at this session of the legislature changing the designation of the field officer referred to in section 3 of this chapter and this amendment is required to make said section conform to other laws on this subject, particularly chapter 174 of the laws of 1909, therefore this act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1911.

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## CHAPTER 226.

[S. B. No. 76—Jacobsen]

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### PROBATING PERSONS CONVICTED OF FELONIES AND MISDEMEANORS.

AN ACT to Amend and Re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909. Being an Act to Provide for Probation of Persons Convicted of Felonies and Misdemeanors.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 6 of chapter 174 of the laws of North Dakota of 1909 is hereby amended and re-enacted to read as follows:

§ 6. FIELD OFFICER.] The board of trustees of the penitentiary may appoint and employ one officer, to be known as field officer for the institution who shall receive a salary of not to exceed nine hundred dollars per annum and who shall be an employe of the state penitentiary and who shall give his entire time to penitentiary duties when not otherwise employed as field officer, and whose duty it shall be without additional salary or compensation other than that for necessary expenses, to carefully look after the welfare of all persons whose sentences have been suspended, and those who have been paroled from said institution after a period of imprisonment therein.

§ 2. AMENDMENT.] Section 9 of chapter 174 of the laws of North Dakota of 1909 is hereby amended and re-enacted to read as follows:

§ 9. WARRANT FOR EXPENSES.] The state auditor shall issue his warrant upon the state treasury, to pay from the appropriation for conviction and transportation of convicts, the necessary expenses of the field officer upon the presentation of itemized vouchers, properly approved of by the board of trustees of the state penitentiary.

§ 3. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. EMERGENCY.] An emergency exists, by reason of the fact, that the condition of the revenues of the state is such that require the strictest economy in the state expenditures: That with the few duties required of a field officer by the provisions of this act to provide for special officer to discharge such duties simply means the creation and approval of sinecure position, therefore this act shall take effect from and after its passage and approval.

Approved March 6, 1911.

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## CHAPTER 227.

[H. B. No. 170—Myland]

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### BOARD OF PARDONS.

AN ACT to Amend Section 10243 of the Revised Codes of North Dakota for 1905, Relating to Board of Pardons.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. That section 10243 of the Revised Codes of North Dakota for the year 1905, be and the same is hereby amended to read as follows:

§ 10243. UNANIMOUS VOTE REQUIRED. QUORUM.] Every pardon or commutation of sentence shall be in writing and shall have no force and effect unless the same be granted by unani-

mous vote of those present of said board convened as such, four of whom shall constitute a quorum; "Provided that at special meetings, called in case of emergency, the governor, the chief justice of the supreme court and the attorney general may constitute a quorum." A reprieve in a case where capital punishment has been imposed may be granted by the governor, but for such time only as may be necessary to secure a meeting of said board of pardons for the consideration of an application for a reprieve, pardon or commutation of the sentence so reprieved. Said board may grant an absolute or conditional pardon, and any conditional pardon shall state the terms and conditions on which it was granted. Such board of pardons may issue its warrant under the seal of said board to any proper officers to carry into effect such pardon which warrant shall be obeyed and executed instead of the sentence which was first originally pronounced.

Approved March 3, 1911.

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## PROHIBITION

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### CHAPTER 228.

[S. B. No. 241—Temperance Committee]

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#### PROHIBITING USE OF INTOXICATING LIQUORS ON PASSENGER TRAINS IN THE STATE.

AN ACT Entitled an Act to Prevent Drinking or Offering to Others to Drink as a Beverage any Intoxicating Liquors upon Passenger Trains in the State of North Dakota.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. Any person who shall publicly drink, or offer to another any intoxicating beverage upon any train carrying passengers, except in a buffet or dining car, or who shall be intoxicated upon any train operated upon any railroad in the state of North Dakota, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding fifty dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

§ 2. Police power is conferred hereby upon every conductor of a railroad company engaged in operating passenger trains upon any line of railway in North Dakota. It shall be the duty